



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Howard Bernstein, et al.**Group Art Unit: **1616**Serial No. **10/675,874**Filed: **September 30, 2003**For: **Sustained Release Pharmaceutical  
Formulation for Inhalation****SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
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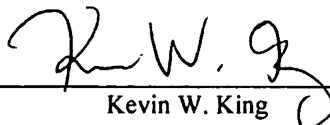
Sir:

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Pursuant to the Office's waiver of the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, no copy of any cited U.S. patent or U.S. patent application publication is being provided herewith.

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Kevin W. King

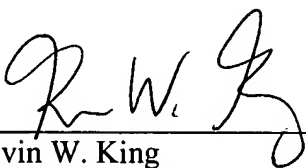
U.S.S.N. 10/675,874

Filed: September 30, 2003

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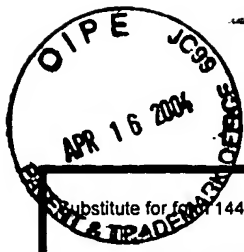
Respectfully submitted,

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**Date: April 13, 2004**

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Attorney Docket No.: 17976-0006



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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/675,874		
		Filing Date	September 30, 2003		
		First Named Inventor	Howard Bernstein, et al.		
		Art Unit	1616		
Sheet	1	of	1	Examiner Name	
				Attorney Docket Number	17976-0006

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-5,384,133	01/24/95	Boyes et al.	
		US-2001/0043948	11/22/01	Bernstein et al.	
		US-			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Patent Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>2</sup> (if known)				
		WO - 98/31346	01/16/97	Massachusetts Institute of Technology and The Penn State Research Foundation		
		WO - 99/16419	09/29/97	Alliance Pharmaceutical Corp.		
		WO - 00/72827	05/27/99	Acusphere, Inc.		

## NON PATENT LITERATURE DOCUMENTS

Include name of the author (in CAPITAL LETTERS), title of the articles (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.			
HANES, et al., "Porous Dry-Powder PLGA Microspheres Coated with Lung Surfactant For Systemic Insulin Delivery Via the Lung", 24 <sup>th</sup> Int'l Symposium on Controlled Release of Bioactive Materials, Stockholm, June 1997			
VANBEVER, et al., "Formulation and Physical Characterization of Large Porous Particles for Inhalation," Pharmaceutical Research, 16(11):1735-1742 (1999).			
Examiner Signature			Date Considered

\*EXAMINER: Initial if references considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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